

# **BOARD OF DESIGN REVIEW MINUTES**

**July 12, 2001**

**CALL TO ORDER:** Chairman Walter Lemon III called the meeting to order at 6:43 p.m. in the Beaverton Public Library, Meeting Room "A", at 12375 SW Fifth Street.

**ROLL CALL:** Present were Chairman Walter Lemon III; Board Members Hal Beighley, Monty Edberg, Ronald Nardoza and Ashetra Prentice. Board Members Anissa Crane and Stewart Straus were excused.

Senior Planner John Osterberg, Associate Planner Tyler Ryerson, Associate Planner Scott Whyte, Project Engineer Jim Duggan, Assistant City Attorney Bill Scheiderich and Recording Secretary Sandra Pearson represented staff.

6:39 p.m. – Chairman Lemon announced that he would wait several additional minutes before opening the meeting in order to allow adequate time to arrive for other members of the Board of Review and members of the audience who may not have realized that the Public Hearing had been transferred to this building.

## **VISITORS:**

Chairman Lemon read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

## **NEW BUSINESS:**

### **A. HALL BOULEVARD BIKE LANE**

The following land use applications have been submitted for the addition of 5.5 foot wide bike lanes to each side of Hall Boulevard where proposed. The development proposal is located on a portion of the Hall Boulevard right-of-way, located east of Ridgecrest Drive and west of the Cascade Boulevard. Also proposed is a tree planting plan for an area that is north of Hall Boulevard along Fanno Creek. The development proposal is located on Washington County Assessor's Map's 1S1-27BA, 1S1-27AB and 1S1-27AD.

**1. TPP 2001-0003: Tree Preservation Plan**

This request involves Design Review approval of a Tree Preservation Plan (TPP) for the removal of certain trees and the protection of other trees affected by bike lane construction.

**2. BDR 2001-0079: Type 3 Design Review**

This request involves Design Review approval for the addition of 5.5-foot wide bike lanes, widening of Fanno Creek Bridge, street tree planting, street lighting and wetland mitigation along Fanno Creek.

Associate Planner Scott Whyte noted that the applicant has requested a continuance of both applications until July 26, 2001.

Mr. Beighley **MOVED** and Mr. Nardozza **SECONDED** a motion to continue TPP 2001-0003 – Hall Boulevard Bike Lane Tree Preservation Plan and BDR 2001-0079 – Hall Boulevard Bike Lane Type 3 Design Review to a date certain of July 26, 2001.

The question was called and the motion **CARRIED**, unanimously.

**OLD BUSINESS:**

**CONTINUANCES:**

Chairman Lemon opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

**A. BDR 2001-0028 - SPRINT PCS TELECOMMUNICATIONS FACILITY  
AT KIM'S MARKET TYPE 3 DESIGN REVIEW**

*(Continued from June 14, 2001)*

This proposal to place a telecommunications facility consists of six antennas placed atop a 75-foot monopole for an overall height of 80 feet. In addition, the applicant proposes to install 7 equipment cabinets at the base of the monopole, with associated fencing, landscaping and parking. The site proposed for placement of the facility is generally located on the north side of SW Allen Boulevard, between SW Murray Boulevard and SW 141st Avenue. The site can be specifically identified as *Kim's Market*, addressed at 14295 SW Allen Boulevard; Washington County Assessor's Map 1S1-16CC, on Tax Lot's 602 and 605. The affected parcels are zoned Community Service (CS) and Office Commercial (OC), and together total approximately 1.25 acres in size.

Noting that the Public Hearing on this application had been continued from June 14, 2001, Chairman Lemon emphasized that this continuance had been left open-ended with regard to what could be presented, adding that the applicant had been instructed to attempt to locate an alternative site. He explained the process and reopened the Public Hearing to accept any additional testimony on new issues or new information that the neighbors might wish to address.

Mr. Whyte discussed the continued Public Hearing and an additional Staff Memorandum dated July 5, 2001, including attached information from the applicant regarding Conditions of Approval and their search for alternative sites for this facility. He acknowledged the letter received from Eldred and Marilyn Hoopengartner, dated June 26, 2001, and Paul and Kitty Telles, dated July 2, 2001, in response to the alternative site analysis. He discussed the applicant's rebuttal statement prepared in response to these communications, observing that these documents were all received within the required time frame. Noting that the Planning Director had approved the application for a Conditional Use Permit for height exception, he noted that this decision had been appealed on July 12, 2001 and that staff had established a tentative Planning Commission hearing date of August 8, 2001. He also noted that a notice for this Public Hearing would be mailed out to the appropriate parties. He mentioned that in response to Criterion "a", staff has proposed an alternate finding for denial without prejudice for this application. He emphasized that staff does not recommend denial based upon the applicant's alternative site analysis, adding that the City of Beaverton has previously approved this type of use within the Commercial service zoning district and that a different site would require a separate Public Hearing.

Mr. Whyte described the proposed Conditions of Approval, including the original Conditions of Approval listed in the Staff Report dated June 7, 2001. He discussed two additional Conditions of Approval, as follows: 1) Condition of Approval No. 15, which provides that the applicant shall be responsible for the removal of the wireless structure within six months of the date that wireless operation ceases; and 2) Condition of Approval No. 16, providing for specific criteria for shared use, or collocation.

Mr. Whyte referred to the Staff Memorandum dated July 12, 2001, that suggests a possible Condition of Approval that would restrict equipment noise to an acceptable Department of Environmental Quality (DEQ) standard of 55 dba.

Chairman Lemon requested clarification of the appeal to the Planning Commission regarding the Planning Director's approval of July 2, 2001 for a Conditional Use Permit for height exception, adding that this had already been appealed to the City Council, who had voted to uphold this decision.

Mr. Whyte observed that the next application, which is a Type 3 Design Review for Murray Hills Christian Church, had been continued because the related CUP had been appealed and that this is the decision that the City Council had voted to

uphold. He explained that the applicant for the cellular tower had submitted an administrative application for a CUP for a height exception, adding that the Planning Director had approved this application, which has also been appealed.

Chairman Lemon observed that if the Type 3 Design Review receives approval by the Board, the Planning Commission could uphold the appeal and not allow the CUP for the height exception. Noting that applications are generally approved by the Planning Commission prior to submittal of related applications to the Board of Design Review, he expressed his opinion that this action would put the cart before the horse.

Mr. Whyte explained that although the first step in the process had been the Planning Director's decision, the applicant would have to obtain approvals for both the CUP and the Design Review prior to proceeding with the project, adding that certain Conditions of Approval would need to be fulfilled.

**APPLICANT:**

**PHIL GRILLO**, on behalf of *Sprint, PCS*, observed that while the applicant has no actual presentation at this time, he would like to take the opportunity to respond to the noise issue. He pointed out that the applicant is comfortable with the 55-decibel limit at the property line, adding that it is feasible to meet this standard and perform any required test upon installation. Concluding, he stated that the applicant prefers to receive any additional testimony and proceed with the Public Hearing.

Mr. Nardozza questioned where the reference to a quarter mile circumference had been determined.

Mr. Grillo explained that a quarter mile is generally the industry standard in this type of environment, adding that his layman's explanation is that this standard provides a distance to work with.

**FOTIS KARAKOULIS** observed that while he had never actually measured the distance for the coverage ring itself, every site has different parameters. Noting that because this site only allowed for a very tight circle due to the characteristics of the neighborhood, the applicant's choices had been extremely limited.

Mr. Nardozza requested clarification that this tower needs to be located in this particular corner of the site in order to provide coverage to the targeted area.

Mr. Karakoulis advised Mr. Nardozza that the applicant basically determines in which area they need to locate a tower, adding that consideration must be given to a combination of geographic features in the general area, including ground information, tree clutter, existing structures, bodies of water and other possible factors.

Mr. Nardozza requested clarification of the term tree clutter.

Mr. Karakoulis explained that it is necessary to locate the equipment above the tree clutter in order to obtain the necessary reception to provide adequate services.

Ms. Prentice questioned the location of other two cellular towers operated by *Sprint PCS*.

Mr. Karakoulis provided a map illustrating the existing sites operated by *Sprint PCS*.

Chairman Lemon mentioned that the precise locations of the towers had been included in the documents at the previous Public Hearing.

Mr. Karakoulis advised Chairman Lemon that often the existing sites are affected by one another's coverage, emphasizing that many factors are involved.

Chairman Lemon stated that he is certain that at the previous Public Hearing the precise location of the tower complex had been indicated in package. He described the view of the site and the adjoining area and features, requesting clarification of the proposed location of the tower.

Mr. Grillo advised Chairman Lemon that the proposed tower would be located approximately 170 feet off the north end of the property line.

Observing that this location abuts the neighbors to the north of the site, Chairman Lemon described his visualization of the project, referring to the plan set indicating the location of the existing structures and questioned where the proposed tower would be located.

Mr. Whyte described the location of the proposed tower.

Chairman Lemon questioned the rationale for locating the proposed tower in the middle of the parking lot at the back portion of the site.

Mr. Whyte pointed out that the proposed location for the tower is ten feet from the wall of the *Minit-Mart*.

Chairman Lemon expressed his opinion that this location would provide for a great deal of visual exposure to the tower and questioned what type of landscaping would be provided.

Senior Planner John Osterberg referred to an illustration as part of the plan set, observing that this particular illustration indicates all of the features of the site.

Chairman Lemon requested clarification that the applicant is providing new trees and landscaping throughout the site.

Mr. Grillo advised Chairman Lemon that new trees and additional landscaping would be provided by the applicant.

Mr. Whyte mentioned that the applicant has proposed to plant Pacific Yew trees, at a height of eight feet.

**PUBLIC TESTIMONY:**

**JAMES WALLACE** referred to his letter addressed to the Board of Design Review and stated that because the issues have become somewhat confusing, he is not certain exactly what he is able to address. He mentioned that he and the neighbors had gotten the impression that the employees and volunteers (Board of Design Review) of the City of Beaverton have been intimidated by the Federal Telecommunications Act. Urging the Board not to be intimidated by this act, he observed that nothing in this act prevents the Board from taking action to deny this particular application. He expressed his opinion that it is not relevant that this tower might have the capacity to accommodate extra towers. Referring to the 80-foot height coverage analysis, he stated that a proliferation of towers in the back yards would destroy the neighborhood. He emphasized that it would be a long time before the eight-foot trees would provide any coverage for an eighty-foot utility pole, adding that this pole would resemble a smoke stack from the back yards.

Chairman Lemon questioned whether Mr. Wallace's letter is part of the record.

Mr. Whyte advised Chairman Lemon that this letter had not been received within the stipulated time frame, adding, however, that copies had been for the Board and applicant this evening.

Chairman Lemon stated that since it had been submitted, he would like Mr. Wallace's letter to be formally added into the record, and questioned the location of the proposed tower in relation to Mr. Wallace's residence.

Mr. Wallace informed Chairman Lemon that his residence is located almost directly in line with the proposed tower.

**APPLICANT REBUTTAL:**

Mr. Grillo responded to Mr. Wallace's comment regarding the Federal Telecommunications Act, emphasizing that this document is the law and that the City Attorney had adequately described the provisions of this act. He explained that the height issue has been specifically addressed in terms of the 35-foot height limit within that area, adding that there is no opportunity for conflicting decisions

to occur because any appeals would be heard in a consolidated proceeding by the City Council.

Chairman Lemon closed the public portion of the Public Hearing.

Ms. Prentice mentioned that the City of Beaverton is attempting to locate utilities underground.

Mr. Whyte advised Ms. Prentice that this affects only those utilities that can be under grounded, adding that this is required in any new development.

Mr. Beighley questioned the height of the cellular tower that had been approved off of Denney Road.

Mr. Osterberg stated that he had not been involved in that particular project, and explained that an appeal has been received and discussed the appeal process. He pointed out that an opportunity exists for appeals of both the Planning Commission and Board of Design Review portions of this same proposal.

Chairman Lemon explained the procedure for the remainder of the Public Hearing, which generally consists of a call for a motion and a vote. Reminding everyone present that this Board has a certain responsibility, he commended the applicant and opponents for sticking to the issues and emphasized that only certain issues are under the jurisdiction of the Board. He requested a motion for action on the application.

Mr. Beighley stated that he is not certain whether he is in a position to make any motion due to the existing appeal of the related application to the Planning Commission, emphasizing that he does not feel comfortable with this situation.

Chairman Lemon requested a motion to approve or deny the application or continue the Public Hearing to a later date.

Mr. Whyte interjected that timing is a key issue with the required 120-day processing period, adding that there is the potential for additional appeals and that the City of Beaverton has already received a waiver from the applicant, adding that this waiver was limited to the duration of the continuance.

Observing that no motion has been made for approval or denial of the application, Chairman Lemon stated that the issue dies for the lack of a motion.

Mr. Osterberg mentioned that the fact that the Planning Commission has never conducted a Public Hearing on this issue is not that unusual, observing that that the Board of Design Review often receives applications that are accompanied with corresponding applications that are administrative and are reviewed by the Planning Director. He stated that while the results of the appeal of the CUP

application are not known at this time, the Board of Design Review would be acting based upon the available information, without speculating what could occur with the Planning Commission. Concluding, he urged the Board to take action tonight for either approval or denial, reiterating that this is not that unusual.

Ms. Prentice requested clarification of whether the lack of a motion means that the application is automatically denied.

Chairman Lemon expressed his opinion that this item would die for lack of a motion, adding that the applicant still retains the right to file an appeal.

Mr. Osterberg mentioned that it is common for the Board to deliberate or take a poll to determine the concerns or opinions of the individual members.

Observing that he has no objection to deliberating on this issue, Chairman Lemon emphasized that he would like to take action and requested a motion for approval or denial of the application.

Hearing no motion for approval or denial of the application, Chairman Lemon stated that the application for BDR 2001-0028 – Sprint PCS Telecommunications Facility at Kim's Market died for the lack of a motion and is effectively denied.

Mr. Grillo requested to make a statement.

Chairman Lemon advised Mr. Grillo that the Public Hearing on this issue is closed and suggested that he discuss his concerns with his attorney.

Mr. Scheiderich quoted from procedures for a Board of Design Review Type 3 type of hearing, specifically Development Code Section 50.30.3b, which states, as follows: "The Board, after public hearing, shall approve, approve with conditions or reject the plans of the applicant. Additionally, at the option of either the Board or the applicant, the review of the application may be continued for a reasonable period of time, as determined by the Board." He pointed out that although the Board of Design Review might have a by-law prohibiting the chair from making a motion, the Development Code would supercede those by-laws and would require the Board to approve, approve with conditions, or deny the application. On question, he advised Chairman Lemon that without a motion, it would be up to the Appeals Board to remand back to the Board to make a decision. Reiterating that the Development Code supercedes any by-laws, he emphasized that it is necessary to take action.

Chairman Lemon repeated that it is the opinion of this Board that the issue died for lack of a motion.



**B. BDR 2000-0185 -- MURRAY HILLS CHRISTIAN CHURCH ADDITION  
TYPE 3 DESIGN REVIEW**

*(Continued from May 24, 2001)*

The following land use application has been submitted for the proposed expansion of Murray Hills Christian Church, an existing church facility, located at 15050 SW Weir Road. Site grading is proposed to the southern portion of the site to accommodate the proposed building addition and to modify the existing on-site storm water quality facility. The proposed church addition is intended to match the existing building architecture. No expansion to the existing parking lot area is proposed. Landscaping is proposed on the southern portion of the site. The site can be specifically identified as Tax Lot 400 on Washington County Assessor's Map 1S1-32AA. The subject property is zoned Urban Standard Density (R-5) and is approximately 3.89 acres in size. Within the R-5 zone, churches and related facilities are permitted as a conditional use.

Mr. Whyte mentioned the Staff Memorandum dated July 5, 2001, referred to the Staff Report dated April 19, 2001 and described the application, the previous Public Hearing that had been continued from May 24, 2001, and the appeal to the City Council of the associated CUP application that had been approved by the Planning Commission. He mentioned that on June 11, 2001, the City Council had upheld the decision of the Planning Commission approving the CUP, adding that the City Council's final order is attached to the Staff Report for consideration by the Board of Design Review, along with a revised site plan, which includes a grading plan, a landscape plan and a building elevations plan. He noted that most of the changes submitted are to the landscape plan, adding that these changes are reflected in bold print. He mentioned that there are also some grading contours along the west, to the southwest and the south side of the building addition that have been revised to maintain the existing elevation. Observing that the minutes of the April 26, 2001 meeting are attached, he mentioned that staff has proposed thirteen Conditions of Approval. He referred to attachments to the Staff Report and the Facilities Review Conditions of Approval. Concluding, he offered to respond to any questions or comments.

**APPLICANT:**

**JIM MOORE**, representing *Yost Grube Hall Architecture*, on behalf of the applicant, indicated that he would like to take the opportunity to address site issues associated with the original Public Hearing regarding this application.

**RON KAMPE**, representing *Otak*, on behalf of the applicant, stated that he has been involved in the engineering for the storm system on the site. He described the proposed improvements, revisions and modifications to the system, adding that the functions would basically remain the same. He described the water quality swale system and the peak runoff rates for the two-year, ten-year and 25-year storm are less than equal to for the two-year and less than for the ten-year and 25-year storm limits for the post-development state relative to existing conditions. He pointed

out that standard engineering procedures were used in this analysis, adding that this type of configuration has been used by the industry in several applications in this area. He mentioned that the applicant has met the standards stipulated by and received approval from Clean Water Services (formerly United Sewerage Agency).

**JOHN LEE** mentioned that he is a self-employed landscape architect and consultant and discussed his efforts on this application, providing an exhibit illustrating some of the habitat and environmental characteristics relative to the site and the nature of the development. He referred to an exhibit illustrating the overall site, including the wetlands, tree canopies, proposed vegetation, and the overall setting of the building and the proposed expansion. He described the environmental characteristics, observing that the site involves a very diverse and complete jurisdictional wetland with a very high value. He recommended a planting to provide for an evergreen cover for winter, adding that a conifer canopy would later take over the site to minimize and soften the view. He discussed a large number of birds that he had noticed perching throughout the existing wetland and riparian area, noting that the proposed landscaping would very likely encourage these birds to enter the site. He expressed his opinion that this is a good feature, due to the Montessori aspect of the church. Observing that the trees would be eight-feet in height at the time of planting, he pointed out that within ten years, these trees would achieve a height of nearly 2/3's of the height of the wall.

Mr. Moore expressed his appreciation for allowing the presentation as a supplement to the original hearing, expressing his opinion that the site drainage issue has been successfully addressed. He described the history of the original church structure, which is one of two churches in Beaverton that had been designed by Pietro Borusky, who is an internationally known architect who had spent much of his career in Portland and is known for designing a large number of churches. He emphasized the applicant is attempting to utilize northwest style and materials to continue his design and legacy. Concluding, he expressed his appreciation to the Board and offered to respond to any questions or comments.

Mr. Beighley questioned whether Mr. Lee is the landscape architect of record on this project.

Mr. Lee informed Mr. Beighley that he is the landscape architect for the project.

Observing that the addition of the birch to the project has called for nine additional birch trees with a minimum caliper of three inches, Mr. Beighley requested clarification of whether these trees are actually available at this time.

Mr. Lee mentioned that it is the intent of the applicant to provide trees at this size.

Chairman Lemon mentioned a two-story house located directly to the south of the site and requested information on that existing water quality swale.

Mr. Kampe informed Chairman Lemon that the existing swale now has an inlet pipe at one end and conveys storm water to the detention pond, adding that a portion of this swale would fall into the footprint of the building, this requiring relocation.

Chairman Lemon pointed out that it is difficult at this time to see that house because of the existing growth, noting that the landscape plan would eliminate many of the trees that provide this cover.

Mr. Kampe advised Chairman Lemon that one of the goals of the applicant is to retain that existing vegetation.

Chairman Lemon referred to the landscape drawing, observing that it includes ground cover and additional shrubs, in addition to the existing wild growth. He emphasized that this had been included in the Planning Commission documents but is not part of this particular drawing.

Mr. Whyte advised Chairman Lemon that staff has proposed a condition that would require the applicant to retain the landscaping that is proposed within that brush area along the south property line, adding that there would be no additional plantings in that area.

Observing that he has no problem with new plantings, Chairman Lemon noted that while it is feasible that the Western Cedar and Douglas Fir planted to the north of that existing growth would add additional coverage at a later time, the existing growth is currently very good cover for the home to the south.

Mr. Lee pointed out that the wetland is jurisdictional, as well as dense and hard to see through, adding that the existing vegetation is primarily deciduous with some high canopy conifer.

On question, Mr. Moore informed Mr. Nardozza that a certain building he referred to is a residence.

Mr. Edberg summarized the landscaping scheme for this project as creating a visual screen between the neighbors to the south as quickly as the plants will grow and requested clarification of whether the proposed plants are the largest commercially available plants.

Mr. Lee observed that conifers, particularly the Douglas Fir, are commonly known as the Hem-Fir, adding that they are neither a Fir or a Hemlock and relatively easy to locate. He pointed out that it is not often that larger trees that have been root-pruned can be found, adding that if they have not been root-pruned, it is questionable that they would survive. He mentioned that generally speaking, a larger tree is more difficult to establish because of the size of the root ball, emphasizing that an eight to ten foot tree is relatively easy to establish.

**PUBLIC TESTIMONY:**

**EVELYN SILER** representing Murray Hills Christian Church, submitted and read a copy of a letter received by the church on July 11, 2001, from neighbors, Russ and Margie Guppy, in support of the expansion

**RON SATTLER** mentioned that he would not review his former objections to the proposal, adding that he would continue to maintain that the building size is not compatible with the neighborhood and that both the proposed height and immature landscaping continue to be a problem. He emphasized that his concern is with reality, rather than intentions.

**DOUGLAS GORDON** discussed the location of his home with regard to the church. Observing that he is neither a proponent nor a member of the church, he emphasized that the church has been a good neighbor over the years. He mentioned that there would be a minimal visual impact to his property, due to the exquisite grove of Fir trees located on both his and the church property, emphasizing that this resource should be preserved.

**DAVID GOLDER** described the location of his house, adding that he does not intend to go over issues he had already addressed but would like to respond to changes that had been made in the proposal. Noting that the church is always visible from his property, he pointed out that his concerns involve three major areas, including: 1) water drainage issues and potential flooding; 2) the size and overall impact of this massive structure on the neighborhood; and 3) landscaping that would not provide adequate screening for many years.

Mr. Edberg requested clarification of the source of the drainage problems.

Mr. Golder informed Mr. Edberg that the drainage problems result from issues regarding the detention pond itself, adding that he is hopeful that the proposed revisions would address these issues and emphasizing that he expects the water problems to continue. At the request of Chairman Lemon, he indicated the location of his home on the illustrations and referred to the comparison of his home to the church in terms of size. He described the path that the water travels along through his property and the result of this flooding.

Chairman Lemon questioned how the water is released from the detention pond, under normal conditions, without flooding.

Mr. Golder expressed his opinion that the detention pond has utterly failed due to a variety of reasons, including lack of maintenance.

**APPLICANT REBUTTAL:**

**PETER FRY**, Land Use Planning Consultant for the applicant, addressed the issue of massing as it relates to the proposed addition to the church. He emphasized that this proposal involves 3.89 acres of land, which equals 169,448 square feet, adding that current regulations would allow 33 homes to be constructed on this property. Pointing out that the Floor Area Ratio (FAR) allows for a 2,500 square foot house on each 5,000 square foot lot, he observed that the proposal would be creating a very low dense area for the benefit of the neighborhood. Noting that it obviously takes a while for screening to mature, he stated that the younger trees would be more effective on a long-term basis. He commented that the existing code does not require this screening, adding that property values are not relevant in this issue. He pointed out that houses located on any natural amenity are far more valuable and attractive, emphasizing that such an amenity should not be screened from the house. Concluding, he stated that a church actually increases the value of a neighborhood, and offered to respond to any questions or comments.

Mr. Kampe mentioned that he has visited the site several times and attempted to address Mr. Golder's issues concerning his home and the water detention pond. He pointed out that the pond had originally been in disrepair, including sediment in the bottom of the pond, debris and a breach in the wall on the south side of the facility. He discussed methods utilized to address these problems, noting that most of the contours indicate that the water flow travels to the south and to the west. He emphasized that none of the improvements would contribute to the water problems in this area and suggested options for addressing Mr. Golder's concerns.

Chairman Lemon pointed out that often water runoff on projects would be diverted into a storm treatment system rather than an on-site detention pond, and questioned why this particular method had been chosen.

Mr. Kampe advised Chairman Lemon that the water runoff is actually being addressed as he had just described, adding that this method is frequently utilized.

Chairman Lemon referred to the problem with clogging at the outlet of the detention pond.

Mr. Kampe observed that this pipe had been installed by a previous development and is actually located on Mr. Golder's property, pointing out that the church has no functional relationship with this City-owned and maintained pipe.

Chairman Lemon questioned whether the creek is located on property owned and maintained by the church.

Mr. Kampe informed Chairman Lemon that this is church property, adding that the inlet is located on an easement on Mr. Golder's property.

Concluding, Mr. Fry stated that the applicant supports staff's recommendations and concurs with the recommended Conditions of Approval. On question, staff had no further comments at this time.

The public portion of the Public Hearing was closed.

Mr. Edberg expressed his approval of Mr. Kampe's idea of an interception swale, suggesting that this could be a possible Condition of Approval. He questioned the possibility of providing for a debris screen to address the clogging issue, adding that because this is an off-site facility, the Board might not have the authority to condition work on property that does not belong to the applicant.

Chairman Lemon expressed his concern with attempting to condition something over which the applicant has no control, specifically the modification of an adjoining property.

Mr. Edberg expressed his opinion that Mr. Golder might consider giving his consent to this work.

Mr. Beighley **MOVED** and Mr. Edberg **SECONDED** a motion to approve BDR 2000-0185 – Murray Hills Christian Church Addition Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated June 26, 2001 and Staff Memorandum dated July 5, 2001, including Conditions of Approval Nos. 1 – 12, revising Condition of Approval No. 13, as follows:

13. Pursuant to Condition No. 4 of Conditional Use Permit approval, Case File No. CUP 2000-0031, the church shall provide regular maintenance of the landscape and detention pond area to ensure continuous visual screening of the building as seen from the abutting properties addressed at 10170 and 10175 SW 149<sup>th</sup> Terrace.

and including Condition of Approval No. 14, as follows:

14. Existing vegetation along the south property line adjacent to the existing house is to remain, with new plantings to the north of the existing vegetation.

The question was called and the motion **FAILED**, by the following roll call vote:

AYES: Beighley  
Edberg

NAYS: Lemon  
Nardozza  
Prentice

Chairman Lemon stated that the motion fails, three to two.

Chairman Lemon requested and received no second motion regarding this application.

9:00 p.m. to 9:10 p.m. – break.

9:00 p.m. – Mr. Whyte left.

Chairman Lemon referred to the motion made for approval of BDR 2000-0185 – Murray Hills Christian Church Addition, emphasizing that the motion was defeated by a roll call vote of three to two. He mentioned that he had been requested to clarify this action, observing that due to the relationship of the proposal with the surrounding property owners, the application has not been approved.

**C. BDR 2000-0168 - LANPHERE AUTO SALES AND SERVICE**

*(Continued from June 14, 2001)*

This request for Design Review approval is for the remodel and expansion of an existing building for the development of an auto sales and service facility. The applicant proposes to increase the building by approximately 30,441 square feet and includes the addition of a parking lot and associated landscaping. The development proposal is located at 4000 SW Hocken Avenue and along the north side of the proposed Millikan Way extension; Washington County Assessor's Map 1S1-9DC on Tax Lot's 900, 1000, 1100, and 1200. The site is zoned General Commercial (GC) and is approximately 7.1 acres in size.

Mr. Osterberg presented the Staff Report dated July 5, 2001 and materials board and explained the application for a Type 3 Design Review for *Lanphere Enterprises, Inc.*, which had been continued on June 14, 2001, observing that the proposal includes two major site elements, specifically auto storage and parking for employees and customers. Noting that this three-phased project provides for no specific construction schedule, he pointed out that the timing of the three phases could overlap in timing, dependent largely upon the extension of Millikan Way. He mentioned that Condition C.4 of the Facilities Review Conditions of Approval has been revised, noting that the revision is included in the Staff Memorandum dated July 12, 2001. He recommended that any motion for adoption include the revision of Condition of Approval No. 18 to incorporate the revised Facilities Review Condition of Approval C.4., as provided in Staff Memorandum dated July 12, 2001. Concluding, he recommended approval of the application, under certain Conditions of Approval, and offered to respond to questions and comments.

**APPLICANT:**

**PETER FRY**, Planning Consultant representing *Lanphere Enterprises, Inc.*, described the efforts of the applicant, including several meetings with neighborhood groups. He pointed out that the original plans had been changed dramatically when the applicant had discovered that the Millikan Way Extension would be traveling through the property they were attempting to develop.

**TIM BRUNNER**, architect for *Lanphere Enterprises, Inc.*, described the site and building design and how the applicant had determined they would function. Observing that there had been some concern with project circulation, he pointed out that several entrances had been proposed to provide necessary circulation to clients for the service, purchase and delivery of vehicles. Noting that several of these entrances would have limited right-in and right-out access, he emphasized that there would be full access onto Millikan Way. He described the proposed phasing of the proposal, which includes light rail interaction, landscaping and a large parking area, adding that the proposal provides for more landscaping than required by the code. He described the extensive landscaping, including larger landscape islands and substantial trees, creating a pattern of large areas of foliage and landscaping.

Mr. Fry pointed out that the civil engineering issues at the site were very challenging, particularly the grading and draining issues, adding that the applicant had done an excellent job working with the various agencies. Observing that the applicant supports the Staff Report and recommended Conditions of Approval, he offered to respond to any questions or comments.

Chairman Lemon emphasized that the perimeter landscaping should prevent the headlights from emitting a glare into the street during the evening hours of operation.

Mr. Beighley reminded Chairman Lemon that the proposal provides for native landscaping and black vinyl fencing.

Observing that the applicant had addressed these issues with Washington County, Mr. Fry emphasized that efforts had been made to provide that visibility standards be met while still addressing the maintenance and quality of the landscaping.

Chairman Lemon mentioned that while he understands the rationale for the phasing, it is unusual to construct parking lots first, adding that he has concerns with construction access.

Observing that the preference is to build the entire project all at once, Mr. Fry noted that the applicant had been forced into phasing.



Chairman Lemon referred to Condition of Approval No. 15, observing that this approval is effective for two years from the date of approval, unless a Building Permit or Site Development Permit is issued for one phase of development, and substantial construction thereto has occurred.

Mr. Brunner assured Chairman Lemon that this is the intention of his client, adding that they would like to begin construction on Phase 1 as soon as possible.

**PUBLIC TESTIMONY:**

**WINIFRED McBRIDE** mentioned that while she disapproves of this project, she has great admiration and respect for both Bob Lanphere, Sr. and Bob Lanphere, Jr. She emphasized that she has no problem with *Lanphere Enterprises, Inc.*, adding that she is concerned with the fact that there is already too much traffic on this street and she is unable to enter and exit her own driveway. She expressed her opinion that another car lot and the inevitable increase in traffic in this area is unnecessary and would create additional problems.

Chairman Lemon questioned whether this Electric Street provides the only exit from Ms. McBride's subdivision.

Ms. McBride advised Chairman Lemon that Tualaway is inconvenient and out of her way.

Chairman Lemon requested clarification that Ms. McBride's concerns relate to the traffic congestion on Hocken Avenue coming off of Electric Street.

Ms. McBride emphasized that traveling in either direction is nearly impossible at this time.

Mr. Osterberg mentioned that the Millikan Way project would provide for a traffic signal at Hocken Avenue and Millikan Way.

Ms. McBride expressed her opinion that although the traffic turning onto Electric Street might slow down, these vehicles would not stop.

Chairman Lemon advised Ms. McBride that this is not what Mayor Drake believes, adding that the cameras would be operating at this intersection.

**APPLICANT REBUTTAL:**

Mr. Fry commented that the applicant is sensitive to Ms. McBride's concerns, adding that the traffic engineer is available to address these issues.

**BRENT AHREND**, Traffic Engineer representing *Group McKenzie*, observed that when Millikan Way is extended, it would replace the existing Henry Street intersection on Cedar Hills Boulevard.

On question, Mr. Osterberg indicated that he had no further comments.

The public portion of the Public Hearing was closed.

Chairman Lemon suggested that Condition of Approval No. 15 be amended to provide that substantial completion of any phase started within the two-year period shall be established, emphasizing that he is attempting to ensure that within this two-year period, at least one phase of the development and substantial completion of that phase pursuant thereto has taken place.

Mr. Beighley **MOVED** and Mr. Nardozza **SECONDED** a motion to approve BDR 2000-0168 – Lanphere Auto Sales and Service Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated July 5, 2001, and Memorandum dated July 12, 2001, including Conditions of Approval Nos. 1 – 18, with Conditions of Approval, to be modified, as follows:

15. Design Review approval shall be void after two years from the date of approval unless a building permit or site development has been issued for at least one phase of development and substantial construction pursuant thereto has taken place, or unless a time extension has been approved in accordance with the Development Code. **Within this two-year period, at least one phase of the development and substantial completion of that phase pursuant thereto shall have taken place.**
18. The Facilities Review Committee Recommended Conditions of Approval, dated May 30, 2001, **including Revised Condition C.4., as provided in Staff Memorandum dated July 12, 2001,** are hereby made a part of this approval.

The question was called and the motion **CARRIED**, unanimously.

## **NEW BUSINESS:**

### **PUBLIC HEARINGS:**

#### **A. TPP 2001-0001 -- BEAVERTON CREEK SEWER INTERCEPTOR UPGRADE TREE PRESERVATION PLAN**

This land use application has been submitted for Board of Design Review approval of a Tree Preservation Plan (TPP) for the proposed construction activity within the boundaries of a Significant Tree Grove for the proposed sewer trunk line replacement and upgrade, including substantial enhancement and mitigation within the Beaverton Creek Corridor and proposed trail improvements. The

development proposal is located east of SW 170<sup>th</sup> Avenue, west of SW Murray Boulevard, south of Jenkins Road, and north of Tualatin Valley Highway. The development proposal is located on Washington County Assessor's Map 1S1-08, on Tax Lot's 113, 290, 501, 504, 600, 2300, and 1407, on Assessor's Map 1S1-08DC, on Tax Lot's 100, 102, 501, and 400, and on Assessor's Map 1S1-08DD, on Tax Lot's 100, and 500. The parcels are zoned Campus Industrial (CI), Light Industrial (LI), Urban High Density (R-1), Station Area-Medium Density Residential (SA-MDR), and General Commercial (GC) and are approximately 326.5 acres in size.

Associate Planner Tyler Ryerson presented the Staff Report and mentioned that the applicant is available with all necessary consultants to respond to any questions or comments. Observing that this application is associated with a Type 2 Board of Design Review Administrative application, he mentioned that the focus of this application is the trees to be removed and retained at this site. He mentioned that the trees are located within a significant tree grove within the Tualatin Hills Nature Park, adding that the proposal provides for the removal of 154 trees, 78 of which are considered "hazard" trees and 76 of which are considered unable to survive the construction trauma. He referred to the Type 2 Design Review application, observing that a decision on this particular application would not be made until after tonight's related decision. He pointed out that a thirty-foot wide construction easement has been proposed, as opposed to a typical fifty-foot easement for the sanitary sewer upgrade through this tree preservation tract. He emphasized that the applicant and the applicant's arborist have worked diligently in an attempt to minimize the impacts of this upgrade. He mentioned that the applicant is also proposing some trail upgrades associated with this Tree Preservation Plan. Observing that the trees identified within this grove are Alder, Ash, Cottonwood, Grand Fir, Douglas Fir and Oregon Oak, he mentioned that the City of Beaverton's Significant Tree Inventory estimates that the average tree diameter is 30-1/2 inches and the average tree age varies from 80 to 100 years old. He discussed the trees proposed for removal and others to be planted within this area, and described changes to the Facilities Review Conditions of Approval, emphasizing that these are not related to the Tree Preservation Plan. Concluding, he recommended approval of the application, subject to certain Conditions of Approval, and offered to respond to questions or comments.

Ms. Prentice questioned whether this area is currently accessible to the public.

Mr. Ryerson informed Ms. Prentice that certain areas within this site are accessible to the public.

Chairman Lemon discussed the snow fence mentioned within the Conditions of Approval.

Mr. Ryerson advised Chairman Lemon that the intent of this snow fence is to provide a construction zone.

Chairman Lemon expressed his opinion that a snow fence generally lasts approximately a week, at which point people begin parking and having picnics underneath the trees, emphasizing that something more substantial should be required during this construction phase. He questioned whether any plans have been made for erosion control for this site.

Mr. Ryerson assured Chairman Lemon that erosion control would be addressed during site development.

**APPLICANT:**

**MARY DORMAN**, on behalf of the applicant, provided a brief overview of the proposal and introduced the applicant's project engineer, Steve Lampert. She described the project and the proposed trail improvements, including additional plantings and a boardwalk through the wetland area. Observing that Clean Water Services has taken steps to mitigate the effects of this project in this environmentally and ecologically sensitive area, she concluded and offered to respond to any questions or comments.

**STEVE LAMPERT**, on behalf of the applicant, mentioned that the feasibility of installing a large cyclone fence around the tree corridor had been considered, adding that this would be extremely difficult because the trees would not be located in perfect alignment. Observing that the applicant fully understands the sensitivity of the issues regarding this proposal, he emphasized that no tree would be removed unnecessarily and that every tree that is removed would be used elsewhere on the site.

Chairman Lemon pointed out that while he appreciates and understands the proposal, he also understands the nature of the construction industry and has concerns with the protection of the nature park.

Mr. Lampert advised Chairman Lemon that an environmental inspector could be retained to serve the primary function of protecting the nature park resources.

Chairman Lemon requested clarification of who would hire this environmental inspector.

Mr. Lampert informed Chairman Lemon that Clean Water Services, formerly Unified Sewerage Agency, would be responsible for hiring the environmental inspector.

Chairman Lemon emphasized that he would like to see this environmental inspector on the applicant's payroll.

Mr. Beighley questioned the identity of the environmental inspector.

Mr. Lampert informed Mr. Beighley that the environmental inspector's name is Dennis O'Connor, adding that he has been used on other projects.

On question, Mr. Ryerson indicated that he had no further comments regarding this application.

**PUBLIC TESTIMONY:**

On question, no member of the public appeared to testify regarding this application.

The public portion of the Public Hearing was closed.

Mr. Beighley **MOVED** and Mr. Nardoza **SECONDED** a motion to approve TPP 2001-0001 – Beaverton Creek Sewer Interceptor Upgrade Tree Preservation Plan, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated July 5, 2001, including Conditions of Approval Nos. 1 – 3, including additional Conditions of Approval, as follows:

4. The environmental inspector will be on site at all times during construction and will be part of United Sewerage Agency's payroll.

The question was called and the motion **CARRIED**, unanimously.

**MISCELLANEOUS BUSINESS:**

The meeting adjourned at 10:32 p.m.